

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES May 8 19 84

The Board convened in regular meeting. Present: Supervisors Robert E. Dorr, Patricia R. Lowe, W. P. "Dub" Walker, Joseph V. Flynn, and Thomas L. Stewart. Dixie L. Foote, Assistant Board of Supervisors Clerk, was also present. Chairman Lowe presided.

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The Invocation was offered by Reverend Don O. Herman, First Lutheran Church.

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The Pledge of Allegiance to the Flag was led by Supervisor Flynn.

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The Agenda was adopted, on motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, with the addition of one personnel matter, and four legislative matters.

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The Minutes of April 24, 1984, and May 1, 1984, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried.

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On motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, the Consent Calendar matters were considered and acted upon as follows:

117 Budget Transfer No. 198 was approved for the Public Works Department, decreasing Estimated Revenue Transportation (1410) by \$173,000.00 and Roads-Reimbursement (7615) by \$800,000.00; and decreasing Professional and Specialized Services (2180) by \$973,000.00, to decrease anticipated expenditure totals for the Rubicon Erosion Control, Lake Tahoe Boulevard, and Pioneer Trail Projects.

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117 Budget Transfer No. 199 was approved, transferring \$125.00 from the General Services Division's Maintenance - Equipment (2120) to Fixed Assets (3370) for the purchase of a used paper jogger for the Central Print Shop.

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298a The Board approved Assessment Roll Change numbered 8381.

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141-4 RESOLUTION NO. 141-84 was adopted authorizing an action for the recovery of County funds paid out for County Service Area No. 7 (western slope ambulance service); Airport, Library, Public Defender, and Welfare Departments.

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157-13 RESOLUTION NO. 142-84 was adopted discharging unpaid County Welfare Accounts.

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58 As recommended by County Counsel, the Board denied the claim for personal injuries, in the amount of \$1,000,000.00, submitted by Attorney David L. DeVore on behalf of Margaret Perrin.

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58 As recommended by County Counsel, the Board denied the claim for personal injuries, in the amount of \$1,000,000.00, submitted by Attorney James F. Gilwee on behalf of Tami Willis.

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58-1 At the recommendation of County Counsel, the Board denied the claim for property damage, in the amount of \$1,000.00, submitted by Louise Valerie Marston.

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58 As recommended by County Counsel, the Board denied the claim for total or partial indemnity (comparative contribution), in an undetermined amount, relating to the Ralph Langford vs. Jack Lee Dorsey, Charles R. Huffman, and County of El Dorado matter; said claim submitted by Attorney William H. Shade on behalf of Jack Dorsey.

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58 As recommended by County Counsel, the Board denied the claims for personal injuries and damages, in the amounts of \$2,000,000.00 each for James Anthony and Gloria Aracely Davis, and in the amount of \$500,000.00 for James Lauren, Tamari Ilene, and Rachel Claudia Davis; said claim submitted by Attorney Jerome S. Stanley.

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58 At the recommendation of County Counsel, the Board denied the claim for personal injuries, in the amount of \$250,150.00, plus unknown future medical expenses, submitted by Attorney Tony J. Stathos on behalf of Cathy L. McFarland.

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296 General RESOLUTION NO. 143-84 was adopted, at the recommendation of Public Works, approving said Department's Minority Business Program for road projects involving Federal funding, and authorizing the Chairman to sign same.

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52-1 At the recommendation of the Health Department, the Chairman was authorized to sign an Amendment to the Agreement with the State Department of Health Services for funds for participation in the County Medical Services Program (CMSP) for medical care to medically indigent adults for Fiscal Year 1983-84, to allow a year-end reallocation of unspent eligibility funds to counties to which CMSP eligibility expenditures exceeded the preliminary CMSP allocation.

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114-A
At the request of the General Services Division, the Board approved the plans and specifications for Miscellaneous Improvements to County-owned Buildings in Placerville, Pollock Pines, and South Lake Tahoe (Project No. 3654); and authorized advertisement for bid opening to be held on May 31, 1984, at 3:00 p.m.

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151-4
The recommendation of the Welfare Department, that the Board designate the City of Placerville, State Department of Corrections, and the General Services Division of the County Administrative Office as suitable work project sites to which General Relief applicants may be referred, was continued off calendar until the Welfare Director is available to report back to the Board with an assessment of the entire General Relief Program, on motion of Supervisor Dorr, seconded by Supervisor Flynn, and unanimously carried.

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RESOLUTION NO. 144-84 was adopted, amending Section 2.57.090 of the Salary Ordinance to increase the Treasurer/Tax Collector's salary by 6.113 percent, and to discontinue his benefit of County-paid employees' retirement contribution (equal to 7 percent), on motion of Supervisor Flynn, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Dorr, Flynn, Stewart, and Lowe; Abstention: Supervisor Walker.

82-3
(3446)
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In addition, on motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, the Board stated that said action is not to be considered as setting a precedent, and future similar requests shall not be arbitrarily considered unless negotiated by the bargaining units in question.

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(38)
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On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board awarded the contract for engineering services for the preparation of new layout plans and development of cost estimates for pavement repair projects at the Georgetown and Placerville Airports to Raymond Vail and Associates; and the contract for engineering services for preparation of documents for a grant to commence a site selection survey for an airport south of El Dorado Hills was awarded to Raymond Vail and Associates, on motion of Supervisor Flynn, seconded by Supervisor Dorr, and carried by the following vote: Ayes: Supervisors Dorr, Flynn, and Lowe; Noes: Supervisors Walker and Stewart; and the Chairman was authorized to sign same upon review and approval as to form by County Counsel.

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12-11A
185-13
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At the recommendation of the Chief Administrative Officer, and on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried, the Health Department was authorized to negotiate a contract with EMCON Associates of San Jose for engineering studies of leachate, septage, and land fill life problems at the Union Mine Land Fill; and the Chairman was authorized to sign Budget Transfer No. 200, transferring \$20,800.00 from General Fund Appropriation for Contingency (9900) to Environmental Health Division's Professional and Specialized Services (2180) to cover costs for same.

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On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unani-
mously carried, the Board set the following policy review sessions:

12-14
(396)
(326)

- a. May 16, 1984, at 10:15 a.m., regarding insurance requirements for equestrian uses at the fairgrounds; and
- b. June 20, 1984, at 10:00 a.m., regarding use of County roads for organized bicycle events.

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At the request of the Health Department (Mental Health Division), and on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, the Chairman was authorized to sign letters to Senator John Garamendi, the Senate Insurance Committee, and El Dorado County's Senate and Assembly representatives, with a copy of same to Charles Moody, Mental Health Director for San Joaquin County, supporting Senate Bill 2160 (Garamendi), which changes the insurance law to provide that companies which offer coverage for psychiatric care in a general acute care hospital or an acute psychiatric hospital, must also provide coverage for care provided by a Psychiatric Health Facility (PHF Unit).

22-7
(326)

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In response to a letter from State Senator Ray Johnson regarding same, the Board stated its opposition to any change in the current method of distribution of federal forest reserve revenues, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried.

(325)
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RESOLUTION NO. 146-84 was adopted in support of House Resolution No. 4402, the Electric Consumers Act of 1983, which clearly clarifies the intent of the Federal Power Act and firmly establishes that municipally-owned utilities do not have a preferred status at the time of relicensing of existing hydroelectric facilities, on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried.

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On motion of Supervisor Dorr, seconded by Supervisor Walker, and unanimously carried, the Board reaffirmed its support of Senate Bill 575 (Foran) which would revise current tort liability laws in California, and directed that the State Senate Judiciary Committee be so advised before its hearing on same on May 14, 1984.

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By informal consensus, the Chief Administrative Officer was requested to review Assembly Bill 2923, which would require payment of prevailing wages to prisoner labor, and bring the matter back before the Board if he feels Board action on same is needed.

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At the recommendation of the Personnel Director, and on motion of Supervisor Dorr, seconded by Supervisor Stewart, and unanimously carried, the Chairman was authorized to sign Memoranda of Understanding with Lyle T. Goering and Bruce Jay Hastings, regarding wages, hours, and conditions of employment for period ending June 30, 1985.

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233-1
RESOLUTION NO. 145-84 was adopted, on motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, recognizing and thanking Sheriff's Captain Dan Patton for meritorious service which directly and substantially benefited the citizens of El Dorado County by the receipt of \$100,000.00 from seized illegal funds.

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183
(1782)
147
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At the recommendation of the Chief Administrative Officer, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board took the following actions relating to the reorganization of the Superior Court and County Clerk's Office:

- a. Adopted RESOLUTION NO. 147-84 amending the Authorized Personnel Allocation Resolution deleting the positions of Chief Deputy County Clerk and Superior Court Mediator, adding the position of Court Administrator/Mediator/Jury Commissioner, adopting the job specifications for said position, and amending the Salary Ordinance to add said position at an annual salary of \$31,537.00;
- b. Appointed Deputy County Clerk, Billie Mitchell, as County Clerk to fill the unexpired term of the retired County Clerk; and
- c. Directed the Administrative Office to assist the newly-appointed County Clerk in preparing recommendations for minor reorganization of the County Clerk's Office to be submitted for Board approval on May 22, 1984.

In addition, an Ordinance was introduced that will consolidate the offices of County Clerk and County Recorder effective January, 1987, the reading thereof was waived, and it was continued to May 22, 1984, for consideration of adoption; on motion of Supervisor Stewart, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Dorr, Walker, Flynn, and Stewart; No: Supervisor Lowe.

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The Golden Sierra Job Training Agency Site Manager, Mr. Lanny Langston, gave an oral quarterly report on the Federal Employment Program.

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(622)
RESOLUTION NO. 148-84 was adopted, at the recommendation of the Personnel Director, and on motion of Supervisor Dorr, seconded by Supervisor Flynn, and unanimously carried, unilaterally implementing wages, hours, and other terms and conditions of employment for County employees in the General, Professional, and Supervisory bargaining units, effective July 1, 1984, and ending June 30, 1985.

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(22-1A)
In response to the request of the Shingle Springs-Cameron Park Chamber of Commerce, that the Board consider the matter of two restaurants in Shingle Springs, Gandy's and the Quarter Horse Inn, which were destroyed by fire and are now a hazard and an "eye Sore"; County Counsel was requested to write letters to the owners of said buildings, advising that the Board is considering establishing procedures to enforce Uniform Housing Code provisions for abatement of nuisances, and inquiring when they plan to clean up the properties; and, when responses from the owners are received, County Counsel is to report back to the Board regarding same if needed; on motion of Supervisor Dorr, seconded by Supervisor Stewart, and unanimously carried.

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Supervisor Dorr exited the meeting room, and returned after the lunch recess.

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296-4
Pony Express Trail
Shoulder
The request of Granite Construction Company, that the Board appoint a review board to review its claim protesting Change Order No. 5 to its contract with the County for the Pony Express Trail Pavement Overlay, Shoulder widening and Drainage Improvement Project (No. 3063), was referred to County Counsel to examine the procedures further and report back to the Board on May 15, 1984, on motion of Supervisor Lowe, seconded by Supervisor Walker, and unanimously carried by those present.

(A previous motion by Supervisor Stewart, which was seconded by Supervisor Flynn, to consider the decision of the Director of Public Works the final decision, at the County level, in this matter, failed by the following vote: Ayes: Supervisors Flynn and Stewart; Noes: Supervisors Walker and Lowe; Absent: Supervisor Dorr.)

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The Board recessed for lunch; then reconvened with all members present.

PLANNING MATTERS

705-23084
390-92
Hearing was held as duly advertised to consider rezoning of lands in the Diamond Springs/El Dorado area from Single Family Residential Three-Acre Zone to One-Acre Residential Zone, consisting of 12.6 acres, petitioned by Scott V. Baker and Saul and Pat Ferdin. The Planning Commission recommended approval, based on the following findings:

1. None of the staff concerns expressed in the staff report are a valid reason for denial of the zoning request, although they may be valid for denial of a subsequent tentative map;
2. This land is on a hillside, is rocky, and not suitable for crops;
3. The land is not shown in the Area Plan as an area suitable for live-stock.

The applicant was not present.

Mrs. Guner Broseker, resident of Rescue, was present and questioned having 12 one-acre lots served by septic systems. Mr. Jake Raper of the Planning Department advised that the Environmental Health Division of the Health Department approved same.

There were no written or verbal protests, and the hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board accepted the Negative Declaration as filed, concurred in the reasons of the Planning Commission, and approved the rezoning by adoption of ORDINANCE NO. 3451, which amends the County Zoning Ordinance accordingly, to become effective upon the filing of a final map on both parcels.

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Hearing was held to consider adoption of two Ordinances: one amending Section 17.44.060 of the County Ordinance Code setting a maximum building height of 50 feet in Timberland Preserve Zones; the other amending Section 17.14.070 of the Ordinance Code to restrict the height of public utility distribution and transmission facilities in all except AA Zones.

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(M...)

Mr. Dave Seeber, representing Pacific Gas & Electric Company, was present and spoke in opposition to the proposed Ordinance that would restrict the height of public utility distribution and transmission facilities in all except AA Zones.

There were no other requests to speak to the proposed Ordinances.

On motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried, ORDINANCE NO. 3452 was adopted, amending Section 17.44.060 of the County Ordinance Code setting a maximum building height of 50 feet in Timberland Preserve Zones.

On motion of Supervisor Dorr, seconded by Supervisor Stewart, and unanimously carried, the proposed Ordinance amending Section 17.14.070 of the County Ordinance Code to restrict the height of public utility distribution and transmission facilities in all except AA Zones was referred to the Planning Commission for review and recommendation.

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ORDINANCE NO. 3453 was adopted, on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried, amending Section 17.35.030 (E) of the County Ordinance Code, deleting the reference to signs, due to conflict with another section of the County Ordinance Code. (Introduced 5/1/84)

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At the request of Supervisor Dorr, the matter of allocation of Public Defender staff to the South Lake Tahoe office was discussed, and the Board directed that it be placed on the Board's agenda for May 15, 1984, and that the County Public Defender, Steve Tapson, be present to discuss the matter at that time. (Direction by informal consensus rather than formal vote.)

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, Supervisors Dorr and Flynn were authorized to meet with Congressman Shumway regarding the Auburn Dam Project.

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57-11A

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, Bob Miller was appointed as District V representative on the Conservation/Mineral Resource Task Force (formerly know as the Citizens Advisory Committee for Mineral Resource Management Policies); and Jack Atkins was appointed as District III representative on said Task Force.

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There being no further business, the Board adjourned to Tuesday, May 15, 1984, at 10:00 a.m.

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APPROVED:

Patricia R. Lowe
PATRICIA R. LOWE, Chairman

ATTEST:
BILLIE MITCHELL, County Clerk
and ex officio Clerk of the Board

By *Billie Mitchell*
May 8, 1984 Deputy Clerk